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February 13, 2004

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Application No. 09/696,664
Filed: October 25, 2000
Title: Nucleic Acid Molecules and Other Molecules Associated
with Plants
Applicants: Mark S. ABAD *et al.*
Atty. Docket: 38-21(51721)B/16517.001

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office (PTO):

1. a Notice of Appeal from the Examiner to the Board of Patent Appeals and Interferences; and
2. a return postcard.

Please stamp the attached postcard with the filing date of these documents and return it to our courier.

Applicants request that the following fee be charged to Deposit Account No. 50-2387 referencing docket number 16517.001/51721B:

\$ 330.00 notice of appeal fee

In the event that extensions of time beyond those petitioned for herewith are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned. Applicants do not believe any fees, other than the above fee (\$330), are due in conjunction with this filing. However, if any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are required in the present application, including any fees for extensions of time, then the

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Commissioner is hereby authorized to charge such fees to Arnold & Porter Deposit Account No. 50-2387 referencing matter number 16517.001/51721B. A duplicate copy of this letter is enclosed.

Respectfully submitted,



David R. Marsh (Reg. Attorney No. 41,408)
Holly Logue Prutz (Reg. Attorney No. 47,755)

Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Mark S. ABAD *et al.*

Appln. No.: 09/696,664

Filed: October 25, 2000

For: Nucleic Acid Molecules and Other
Molecules Associated with Plants

Art Unit: 1631

Examiner: Michael Borin

Atty. Docket: 38-21(51721)B/16517.001

Conf. No.: 5102

**Notice of Appeal from the Examiner to the
Board of Patent Appeals and Interferences**

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed November 13, 2003, that resulted in Applicants having claims that have been twice or finally rejected.

Authorization to charge the official fees for this filing is given in the accompanying transmittal letter. A duplicate copy of this Notice is attached.

Respectfully submitted,

David R. Marsh (Reg. No. 41,408)
Holly Logue Prutz (Reg. No. 47,755)

Date: February 13, 2004

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